

DETAILED ACTION

1. The following is a Final Office Action in response to communications received September 09, 2010. Claims 1-16, 30-36 and 38-43 have been canceled. Claims 17-18, 23, 25, 27, 29 and 37 have been amended. New claims 44-54 have been added. Therefore, claims 17-29, 37 and 44-54 are pending and addressed below.

Response to Amendments/Arguments

Drawings

2. Applicant's amendments in response to the objections set forth in the previous Office Action is sufficient to overcome the objections for failing to comply with 37 CFR 1.84 (p) (5). The examiner withdraws the objections.

Claim Objections

3. Applicant's amendments in response to the objections set forth in the previous Office Action is sufficient to overcome the objections with respect to claims 1 and 25 for informalities. The examiner withdraws the objections.

4. Applicant's amendments in response to the objections set forth in the previous Office Action is not sufficient to overcome the objections with respect to claim 29 for informalities. The examiner maintains the objections, see objection below for guidance.

Claim Rejections - 35 USC § 112

5. Applicant's amendments in response to the rejections set forth in the previous Office Action is sufficient to overcome the rejections for failing to establish antecedent basis. The examiner withdraws the rejections.

Claim Rejections - 35 USC § 102

6. Applicant's arguments with respect to claims 1-2, 4, 13-14, 29-30, 32-33, 35 and 40-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7. Applicant's arguments with respect to claims 3, 5-11, 12, 15-28, 31, 34, 36-39 and 42-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

8. Claim 29 objected to because of the following informalities:

In reference to Claim 29:

Claim 29 cites in the body of the claim "authorising", which has been misspelled. Appropriate correction is required. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-20, 22-29 and 45-50 rejected under 35 U.S.C. 102(e) as being anticipated by US Pub No. 2006/0253392 A1 by Davies (Davies).

In reference to Claim 17:

(currently amended): A payment transaction system comprising: at least one receiver processor, each receiver processor being located at a retail outlet, and each receiver processor having an apparatus for receiving receiver adapted to receive payment data from a communication device belonging to a consumer to enable payment to be made for goods or services, an EPOS terminal coupled to the receiver, and a store back office server having a store database, the store back office server being connected to the EPOS terminal ((Davies) in at least para 0011, para 0013, para 0020-0022, para 0025-0026, para 0028, para 0030-0031, para 0047, para 0063); a retailer processor having a communication transmission processor and a transaction payment database ((Davies) in at least 0009, para 0018); a first communication link connecting [[the]] each receiver processor to the retailer processor ((Davies) in at least FIG. 1; para 0009-0010, para 0018, para 0057, para 0120); a central facility having a payment approval processor and an account transaction payment database, the account transaction payment database maintaining a database of accounts relating to consumers and the payment approval processor adapted to [[can]] interrogate the database and determine whether a payment is to be approved or declined ((Davies) in at least para 0063-0068, para 0077, para 0079-0080, para 0084); a second communication link for connecting the retailer processor to the central facility so that the payment data can be transmitted from the retailer processor to the payment approval processor, and for transmitting a signal back from the central facility to the retailer processor indicating that payment is approved to enable updating of the transaction payment database ((Davies) in at least para 0081, para 0084, para 0089); a third

communication link connecting the central facility with [[the]] each receiver processor for enabling an indication of the approval of the payment to be transmitted from the central facility to the receiver processor so that the EPOS terminal is provided with an indication that payment is approved to enable a consumer to receive the goods or services relating to the payment ((Davies) in at least para 0081, para 0084, para 0089, para 0091, para 0094, para 0106, para 0111-0112).

In reference to Claim 18:

(Currently amended): The system of claim 17 (see rejection of claim 17 above) wherein the central facility is also adapted to transmit a signal to the communication device of the consumer indicating that payment is approved ((Davies) in at least para 0084, para 0085-0089).

In reference to Claim 19:

(Previously presented): The system of claim 18 (see rejection of claim 18 above) wherein the signal is an SMS Message ((Davies) in at least Abstract; para 0106).

In reference to Claim 20:

(previously presented): The system of claim 17 (see rejection of claim 17 above) wherein the communication device is provided with a preset template which is downloaded to facilitate the input of information by the consumer into the mobile telephone relating to the payment so the mobile telephone can transfer the payment data to the receiver processor ((Davies) in at least abstract; para 0004, para 0007, para 0011).

In reference to Claim 22:

(Previously presented): The system of claim 17 (see rejection of claim 17 above) wherein the communication device comprises a mobile telephone ((Davies) in at least abstract; para 0004, para 0007, para 0011).

In reference to Claim 23:

(Currently amended): The system of claim 17 (see rejection of claim 17 above) wherein the second communication link comprises at least one fixed line for connecting the communication transmission processor to the central facility ((Davies) in at least para 0003, para 0011, para 0084)

In reference to Claim 24:

(Previously presented): The system of claim 17 (see rejection of claim 17 above) wherein the first and third communication links comprise a common communication network interconnecting the receiver processor, the retailer processor and the central facility ((Davies) in at least FIG. 1, FIG. 3; para 0043, para 0045).

In reference to Claim 25:

(currently amended): [[a]] A payment transaction system comprising: a central facility having a payment approval processor and a transaction payment database, the database maintaining accounts relating to respective consumers, and the payment approval processor being adapted to interrogate the database and determine whether a payment is to be approved based on the status of the consumers account, a maintained in the database, and in response to the central facility receiving payment data from a communication device belonging to a consumer, and if payment is to be approved [[for]] transmitting an approval code back to the communication device ((Davies) in at least

para 0080-0089); [[a]] at least one receiver processor located at a retail outlet for receiving an approval signal including the approval code from the central facility, the receiver processor including a store back office server having a payment application processor and a store database, the store database being for storing the approval payment details including the approval code, and an EPOS terminal for receiving from the payment application processor the approval code and [[for]] storing the approval code, so that when the consumer presents at the EPOS terminal to collect goods or services paid for, the approval code transmitted to the user's communication device and the stored approval code at the EPOS terminal are matched to confirm payment ((Davies) in at least FIG. 1, FIG. 2-3; para 0031, para 0047, para 0084); a first communication link for data communication between the central facility and each receiver processor ((Davies) in at least FIG. 1; para 0009-0010, para 0018, para 0057, para 0120); a retail server processor including a payment database, the retail processor [[for]] receiving from the store back office server approval payment details [[for]] and storing [[the]] completed payment transaction details to enable completed payment transaction details to be matched to payments approved by the central facility ((Davies) in at least para 0080-0089); and a second communication link for connecting the store back office server with the retailer processor ((Davies) in at least para 0054).

In reference to Claim 26:

The system of Claim 26 corresponds to the system of Claim 23. Therefore, Claim 26 has been analyzed and rejected as previously discussed with respect to Claim 23.

In reference to Claim 27:

(Currently amended): The system of claim 25 (see rejection of claim 25 above)

wherein the payment application processor of the store back office server
communicates with the EPOS terminal via a store communication network ((Davies) in
at least para 0027-0028, para 0030-0031, para 0121).

In reference to Claim 28:

(previously presented): The system of claim 25 (see rejection of claim 25 above)
wherein the communication device is provided with a preset template for downloading to
facilitate the input of data by the consumer to form the payment data supplied to the
central facility ((Davies) in at least para 0020, para 0084).

In reference to Claim 29:

(currently amended): A payment transaction method comprising: receiving
payment data to enable payment to be made for goods or services by a receiver
processor located at a retail outlet and having a receiver for receiving the payment data
from a communication device belonging to a consumer, an EPOS terminal, and a store
back office server having a store database ((Davies) in at least para 0011, para 0013,
para 0020-0022, para 0025-0026, para 0028, para 0030-0031, para 0047, para 0063);
[[and]] providing the payment data by the receiver processor via a first communication
link to a retailer processor having a communication transmission processor and a
transaction payment database ((Davies) in at least FIG. 1, FIG. 3-4; para 0009, para
0031); providing the payment data by the retailer processor to a central facility via a
second communication link, the central facility having a payment approval processor
and an account transaction payment database, the account transaction database [[for]]

maintaining [[an]] database of accounts relating to consumers((Davies) in at least FIG. 1; para 0016, para 0057, para 0120); interrogating the account transaction payment database by the payment approval processor and determining by the payment approval processor whether the payment is to be approved or declined ((Davies) in at least para 0084-0088); transmitting a signal back from the central facility to the retail processor via the second communication link indicating that payment is approved ((Davies) in at least para 0084-0088); updating the transaction payment database of the retail processor ((Davies) in at least para 0020); and transmitting an indication of approval of the payment from the central facility to the receiver processor via a third communication link for connecting the central facility with the receiver processor so that the EPOS terminal is provided with an indication that the payment is approved to enable a consumer to receive the goods or services relating to the payment ((Davies) in at least para 0080-0088).

In reference to Claim 45:

(New): The method of claim 29 (see rejection of claim 29 above) wherein the central facility also transmits a signal to the communication device of the consumer indicating that the payment is approved ((Davies) in at least para 0084-0089).

In reference to Claim 46:

(New): The method of claim 45 (see rejection of claim 45 above) wherein the signal is an SMS message ((Davies) in at least Abstract; para 0106)

In reference to Claim 47:

The method of Claim 47 corresponds to the system of Claim 28. Therefore, Claim 47 has been analyzed and rejected as previously discussed with respect to Claim 28.

In reference to Claim 48:

The method of Claim 48 corresponds to the system of Claim 22. Therefore, Claim 48 has been analyzed and rejected as previously discussed with respect to Claim 22.

In reference to Claim 49:

The method of Claim 49 corresponds to the system of Claim 23. Therefore, Claim 49 has been analyzed and rejected as previously discussed with respect to Claim 23.

In reference to Claim 50:

The method of Claim 50 corresponds to the system of Claim 24. Therefore, Claim 50 has been analyzed and rejected as previously discussed with respect to Claim 24.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 21 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2006/0253392 A1 by Davies (Davies), as applied to claim 17

above with respect to claim 21; as applied to claim 25 above with respect to claim 37, and further in view of US Patent No. 5870725 by Bellinger et al. (Bellinger).

In reference to Claim 21:

Davies teaches:

The system of claim 17 (see rejection of claim 17 above) wherein the receiver processor includes...

Davies does not explicitly teach:

... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor.

Bellinger teaches:

... an EDC (Electronic Data Capture) machine or cradle for receiving the mobile telephone to enable the transfer of the payment information to the receiver processor ((Bellinger) in at least Col 2; FIG. 22-23).

Both Davies and Bellinger explicitly teach mobile phones as a transaction device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known device (method, or product) ready for improvement to yield predictable results.

In reference to Claim 37:

The system of Claim 37 corresponds to the system of Claim 21. Therefore, Claim 37 has been analyzed and rejected as previously discussed with respect to Claim 21.

12. Claim 44 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2006/0253392 A1 by Davies (Davies) as applied to claims 17 and 23 above, and further in view of Official Notice.

In reference to Claim 44:

Davies teaches:

(New): The system of claim 23 (see rejection of claim 23 above) wherein the communication transmission processor comprises a modem for supplying the payment data via the fixed line to the payment approval processor of the central data processing system ((Davies) in at least para 0003, para 0011, para 0084)

Although the prior art does not explicitly teach “a modem”, the prior art explicitly teaches internet communication with respect to payment data. Official notice is taken that it is old and well known in the art of computer technology to utilize a known technique to improve similar devices (methods, or products) in the same way.

13. Claims 51-54 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub No. 2006/0253392 A1 by Davies (Davies)

In reference to Claim 51:

(New): A payment transaction method comprising: a. receiving payment data from a communication device belonging to a consumer by a central facility having a payment approval processor and a transaction payment database wherein accounts relating to respective consumers are maintained ((Davies) in at least para 0080-0089); b. interrogating the transaction payment database by the payment approval processor ((Davies) in at least para 0083-0084); c. determining by the payment approval

processor whether the payment is to be approved based on the status of the consumer's account, as maintained in the database ((Davies) in at least para 0084); d. transmitting an approval code back to the communication device by the central facility, and if payment is approved ((Davies) in at least para 0084-0089); e. providing the approval code by the central facility to a receiver processor located at a retail outlet, the receiver processor including an EPOS terminal, a store back office server having a payment application processor and a store database ((Davies) in at least 0080-0089); f. receiving the approval code by the payment application processor of the receiver processor via a first communication link for connecting the central facility with the receiver processor ((Davies) in at least FIG. 1-3; para 0084-0089); g. storing approved payment data and approval code in the store database ((Davies) para 0007, para 0009, para 0013, para 0022, para 0023); h. providing the approval code to the EPOS terminal by the payment application processor when the consumer presents to collect goods or services paid for ((Davies) in at least para 0084-0089); i. matching the approval code transmitted to the user's communication device and the stored approval code by the EPOS terminal to confirm payment ((Davies) in at least para 0021-0023, para 0024); and j. matching confirmed payments and stored payment transaction details with payment approval data of the central facility by a retailer processor including a payment database for receiving the store back office server approval payment details ((Davies) in at least para 0023-0024, para 0054, para 0084-0089, para 0120)

Although the prior art does not explicitly teach "matching the approval code transmitted to the user's communication device and the stored approval code", the prior

art explicitly teaches the receipt generated according to user preference (see para 0023), and user data applied to different circumstances by storing user data in association with respective identifiers as with which respective identifier applies to a transaction which fairly suggest matching transaction with stored transaction approval circumstance providing some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference to arrive at the claimed invention. As known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. See MPEP § 214.3.

In reference to Claim 52:

Davies teaches:

(New): The method of claim 51 (see rejection of claim 51 above) wherein the first communication link comprises a fixed line communication link ((Davies) in at least para 0003, para 0011, para 0084).

In reference to Claim 53:

Davies teaches:

(New): The method of claim 51 (see rejection of claim 51 above) wherein the payment application processor of the store back office server communicates with the EPOS terminal via a store communication network ((Davies) in at least para 0006, para 0021, para 0039).

In reference to Claim 54:

Davies

(New): The method of claim 51 (see rejection of claim 51 above) wherein the communication device is provided with a preset template for downloading to facilitate the input of data by the consumer to form the payment data supplied to the central facility ((Davies) in at least para 0020, para 0022-0024, para 0079-0084).

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G./
Examiner, Art Unit 3694

/Shahid R Merchant/
Primary Examiner, Art Unit 3694